

Marine Life Protection Act Initiative
Public Comments Submitted
through April 28, 2010

From: whalecar@sbcglobal.net
Sent: Tuesday, April 20, 2010 10:39 AM
To: MLPACComments
Subject: MLPA ship

The MPA ship is sinking. Environmentalists who think supporting this fraud is 'protecting' anything, just remember that as we fishermen lose our rights, you will soon lose yours. Lining up behind a huge company which is fraudulently stripping American constitutional rights, a huge company responsible for vast amounts of Ewaste toxins entering our waters is hugely irresponsible. While I am required to purchase a tracking device, this technology, being used on blue-collar workers who are often unaware of their rights will soon be ready for the public, yes you. While you gobble up the over fishing rhetoric just be aware that land based pollutants are the main problem.

Fishermen are trying to protect the sea from industrial pollution, agricultural pollution, urban waste, e waste, ocean acidification, global warming and oil drilling. As you wave your 'close fishing flags', we will be losing our rights who my grandfather lost his life over nazi occupied France for. This company you have all been snowed over by was founded with a huge oil tanker. It becomes clear, as this process continues, that real estate moguls and land barons don't want to see fishing families with their plastic buckets on their ocean front property. This is more about removing fishermen from prime real estate than saving fish. This is a redistribution of resources away from the poor and middle class to the rich who can afford large fast boats. The more one researches the MPA process, the less sense it makes, even in terms of conservation. The only place where MPAs make any sense at all is in the intertidal zone, where school groups and others stomp invertebrates into oblivion. Lines across the ocean are created by people who know nothing of fishing, ocean currents, winds or various kinds of fishing gear. Fog and MPA lines create areas of concentrated boat activity and increase the likelihood of deadly collisions. Fishing gear can be blown or drift toward an MPA line causing an increase in risk. drift kelp gets around crab pot buoys and drags then long distances, especially in storms. There are a million reasons why fisheries are enforceable in size and numbers and pounds and not by areas and lines. This misguided attempt to make a national park out of the ocean was dreamed up by someone who knows nothing about the fisheries along our coast.

For all of the people who supported the MPAs. You have succeeded in A, stripping fishing rights and removing fishermen from the waters they strive to protect. B, making fishing more dangerous by making unrealistic laws. C, concentrating effort in smaller areas. D, making enforcement costly and impractical. E, causing the importation of fish from countries with lax or no fishing regs. F, increasing the importation of farmed which create pollution and health risks. G, Loss of small fishing boats and harbor infrastructure. H, loss of fish business. I, great loss of jobs in a depressed economy. In your zeal to take our fishing areas you have proven that huge companies with enough money can rewrite the constitution, strip public rights negating what our country is founded on. By engaging in this process I am legitimising

it,falsely.Everyone knows you can regulate fishing as strictly as you like,without ever taking an area away.I ASK you,how can a group own what was once public? How big a step is it to go from no fishing to NO TRESPASSING?

These zealots are undermining the protections we have which protect against corporate take-over of the environment and its subsequent destruction.They have weakened our defence against mining and drilling corporations.

;

Marine

Protected Area????? An MPA does not protect against pollution from land,sewage and runoff,nor does it protect against global warming,co2 or ocean acidification.Could the basic idea of an MPA be discriminatory against consumptive users simply because of their belief that it is ok to catch a fish and eat it? Fishing is a behavior that must be learned,where an elder teaches the younger generation this skill. In fact,this is a million year old skill,a basic survival tool in our evolution.Denying our right to fish may make many people feel better about their own carbon footprint,sewage and garbage production.It feels good to take away someone else's passtime or even livelihood especially when you believe in it And you have the law and a huge corporate giant on your side. After all,you're not losing ANYTHING. Oh,by the way,offshore aquaculture projects are in the planning stages as well as drilling. This deal violates extractive users while appeasing nonextractive users. Rich realtors can't wait to privatise the coast and exclude the fishing family. The fishing family is to be replaced by a flock of eco tourists. The MPA has changed the demographic of user groups according to their preferred activity and cultural history. IT punishes one group based on their history of learning how to fish as part of their culture. This is precisely what the California constitution protects fishing rights in all waters of the state;to keep some group from excluding them.So,I would urge the BRTF to put on their thinking caps and realize that favoring one group eco tourists,and disfavoring another,fishermen,because of their beliefs is questionable,especially given the funding involved.In fact,you are excluding one group simply because they believe in the act of fishing,and rewarding the other group who is in opposition to the act of fishing.Something smells very 'fishy' around here.I am sorry the BRTF have to support this abomination

Fishing keeps kids off the streets and out of gangs. It keeps them from wasting their minds playing video games,and brings families back together. In the comments one notices all of the sewage outfall companies writing in to insure the MPA will not prohibit sewage dumping. The city of Los Angeles wants the strictest possible fishing closures.Can you imagine the pollutants,air water and sea that are created in LA? What does LA's poop pipe do to fish larvae? Their storm drain runoff? Their industrial pollution? The biggest polluters are clamoring for the removal of fishermen,as if they have nothing to do with ocean pollution and fishing declines. Sewage is filled with chlorine,and creates vast dead zones and wipes out near shore fisheries. Fishing has been part of our heritage,and as an example of a fishery disaster where fishing was not to blame,on has only to look at salmon,where their SPAWNING habitat was destroyed by people and policies. It is now time to expose the perpetrators of these injustices. It is apparent now to everyone that fishing reg's can be moulded in any way necessary to rectify any overfishing,and MPAS are an

invention to identify, fence, disenfranchise and exclude one user group in particular, the commercial fisherman from his/her most productive fishing grounds, without ever giving a thought to compensate for his/her losses. It specifically allows one group with a set of beliefs to punish and exclude another group with a separate set of beliefs. The MLPA process is a carefully planned movement designed to cloud fish and game objectives and become the new policy-makers of the ocean. At least Fand G were fair in their policy making, but I cannot say the same for this new group, hellbent on destroying fishermen at all costs. Fishing objectives are the same as environmental ones, duh!

From: Brandi Easter
Sent: Wednesday, April 21, 2010 11:15 AM
To: MLPAComments
Subject: profile comments

Hi Team,
Understanding this will not be included in the 3rd printing, having this noted online would be appreciated.

RE: Spearfishing Competition sites, Noyo Harbor entrance was not noted. It was the launch site for August 7, 2007 US Nationals Spearfishing Competition. Other past sites can also be seen at the link below.

<http://www.cencalspearfishing.org/Past%20Events/Default.aspx>

Thank you for your consideration,
Brandi



Rixanne Wehren, Executive Director

27401 Albion Ridge Rd., Albion, CA 95410

707-937-2709 * fax 937-4520

email: rixanne@mcn.org

Coast GIS Lab email: coastgis@mcn.org

April 16, 2010

Marine Life Protection

Act Initiative

c/o California Natural Resources Agency

1416 Ninth Street, Suite 1311

The Coastal Land Trust would like to show our support for the possible inclusion of the Albion River estuary in a State Marine Conservation Area in the North Coast External Proposed MPA Array D (also known as the Northern Redwoods Oceanic Array).

Our land trust, a charitable 501(c) (3) corporation, owns a 52-acre parcel of land at the head of the estuary. We manage this Enchanted Meadow Wetlands Sanctuary as a wildlife sanctuary with very limited public access. The property borders the estuary for 1.5 miles on both sides. The area has been shown to be an important habitat area for the endangered coho salmon as well as steelhead, birds and waterfowl. We would like to protect more of this relatively intact estuary and monitor the water quality and biology in hopes of restoring the former abundance of wildlife.

The mouth of the estuary contains a small harbor, but the rest of the estuary is within forested lands. Large areas of eelgrass provide habitat for a multitude of marine organisms, and nursery ground for

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the herring and juvenile crab. All area east of the marina could be enhanced to support much more marine and estuarine life. There are no buildings of any kind for four miles of estuary. A lagoon about 2 miles inland now serves as a rookery and foraging area for herons, osprey, egrets and other birds.

Please consider adding the Albion River estuary to the Marine Life Protected Areas.

Sincerely,

A handwritten signature in cursive script that reads "Rixanne Wehren".

Rixanne Wehren
Executive Director

From: Ron & Susan Munson
Sent: Monday, April 19, 2010 5:09 PM
To: MLPAComments
Subject: comment re: north coast profile

To the MLPA Blue Ribbon Task Force:

As I'm sure you realize, the whole purpose of establishing the MLPA is to prevent the decimation of our fisheries, and to preserve marine habitat such that species in decline can recover.

Ample scientific evidence exists to support the complete closure of prime nursery areas to allow recruitment. The Marine Protected Areas in New Zealand serve as a great example. The initiative was received with quite a bit of hostility from sport and commercial fishing interests, but decades later, they are the beneficiaries of much healthier fish populations.

I urge you all to implement the most restrictive "take" you can from all the proposed areas on the north coast. Do not succumb to the rantings of the dispossessed fishermen or the moneyed lobbyists, whose interests are self-serving and short-sighted. Remember the purpose for establishing the MLPA and do what needs to be done to save the north coast fisheries from crashing. Listen to your biologists and the scientific data.

I'm also sure you know what additional stress the marine habitats are encountering from human-induced global warming and carbon loading in the atmosphere. The measures you decide upon may not be adequate to respond to these additional threats, but again I urge you to take the most aggressive stance on closing recruitment areas that you can, so that future generations might enjoy the biodiversity we (and our forefathers) once took for granted.

I submit these comments to you as a 20-year Fort Bragg resident and abalone diver, and a former California State Park Superintendent (I make no pretense of representing State Parks' position regarding the MLPA). Thank you all for making the difficult decisions you face.

Sincerely,
Ron Munson

From: Barbara Moller
Sent: Monday, April 19, 2010 10:29 AM
To: MLPACComments; jennifer_tang@boxer.senate.gov
Cc: heidi.dickerson@mail.house.gov
Subject: conflict of interest

Catherine Rehes-Boyd, a very charming woman scheduled to come as a member of the MLPAI Blue Ribbon Task Force to Fort Bragg on May 1 and 2, recently issued a public letter calling for opening oil and gas exploration and drilling off the California coast. I wonder how the rest of the MLPAI Blue Ribbon Task Force feel about this, and if they might support the Thompson bill permanently protecting our precious ocean ecosystem from offshore oil and gas exploration and drilling.

I thought the MLPA's were to protect the ocean. And now we have none other than Catherine Reyes-Boyd, a member of the Blue Ribbon task force, supporting oil drilling off California's coast. If that is not a conflict of interest, what is?

OIL CAN BUY ANYONE, AS IT POLLUTES AND KILLS THE REST OF US, IS THAT RIGHT?

RE: Proposed MPA at Punta Gorda,

Dear stakeholder,

I am writing again in regards to the proposed Marine Protected Area (MPA) at Punta Gorda in Petrolia, CA. I am asking you to help us change this proposal. As a local landowner and steward of the land, I feel it is tragic to take away our ability to provide subsistence for ourselves and future generations. My husband, I and other community members use this area for subsistence fishing, Abalone-diving and seaweed harvesting. I believe Punta Gorda was chosen as an MPA due to geographic conveniences and under representation during the RSG. In fact, we; the residents and landowners of Petrolia, would like to have our own stakeholder now! Please consider our first alternative of moving the proposed protection area further south along the lost coast, maintaining the 9 ft sq. minimum area, yet not imposing upon Shelter Cove fishing grounds, yet also not affecting the residents of Petrolia and maintaining diverse, rocky habitat.

Subsistence living has been practiced in the Punta Gorda area for over a century. Indigenous people and early settlers used this area for hunting and fishing, Families who have occupied this area for over seven generations still practice subsistence and sustainable harvesting of fish, muscles and Abalone today. Taking away the ability and tradition to provide food for our families is a tragic loss for our community and future generations.

According to surveys, sport fishing provides less than one percent of the take. The small amount of fishing at Punta Gorda does not detrimentally impact fish populations and should therefore, not be prohibited. I feel the Marine Life Protection Act (MLPA) hurts those who are not harming the water and land. Time and time again, it has been shown that outdoor enthusiasts are often the best stewards and protector of the land and its resources. Please don't let the MLPA take away our way of life and responsible use of the water and its creatures.

Please hear our concerns, and help us elect a stakeholder; although late, in this lengthy process. During the Petrolia meeting, we came up with several alternatives to the proposed MPA: General consensus in Petrolia is to change the location as option one, please refer to the petition. I urge you to consider relocating the protection area 2-4 miles south of Four Mile Creek. This compromise will be agreeable to all, as it is the lost coast area. Petrolia does not support starting the MPA a few fathoms out, we feel that moving it south is a better solution that will not impact shelter cove. If this is not feasible let us discuss the option of a "hybrid array" of a State Marine Conservation Area, which would allow take of fish, abalone, mussels, seaweed, ect.. However I want to stress that our most important alternative is moving the MPA.

Thank you for taking the time to read and consider my letter. This issue is very important to our whole community.

Sincerely,

Brook Hoalton
PO Box 89 Petrolia, Ca 95558, 707-629-3367

Request for Action by the Regional Stakeholder Group

March 25, 2010

Dear members of the Regional Stakeholder Group:

The InterTribal Sinkyone Wilderness Council hereby requests that the North Coast Regional Stakeholder Group take action on the following four points that we believe will assist in the goal of recognizing the Tribes' and Tribal Communities' rights to continue their traditional cultural uses and management of marine areas.

In light of the evolving marine use policy guidance now being contemplated for Tribes & Tribal Communities by the MLPA Initiative and the Department of Fish & Game, we request that the Regional Stakeholder Group take the following actions at its meeting on March 25:

1. That the RSG confirm its understanding that the **Section 2 guidance** of the *Guidance Motions Related to Tribes and Tribal Communities Adopted at the March 18, 2010 MLPA Blue Ribbon Task Force Meeting* authorizes the development of MPAs that shall avoid Tribal use areas, and that these tribal use areas shall be defined by the Tribes and the Tribal Communities. This understanding is confirmed by Ken Wiseman's March 17, 2010 letter to BRTF Chair Cindy Gustafson, which states: "Policy guidance based on legal consultation to date is that state marine reserves should be outside of tribal gathering areas."
2. That the RSG interpret the **Section 2 guidance** section to include activities beyond the specified term "gathering uses" in order to encompass the full range of traditional Tribal uses, including subsistence, harvesting, ceremonial, stewardship, management, and other customary uses practiced by the Tribes and Tribal Communities since time immemorial.
3. That the RSG stipulate that Tribes, Tribal Communities, and InterTribal Sinkyone Wilderness Council and their respective attorneys be consulted in, and requested to actively assist with, the development of an MLPA policy regarding traditional Tribal uses *before* legal staff at the Commission and the Department of Fish & Game finalize their legal advice and guidance on this matter to the BRTF and RSG.
4. That the RSG formally recommend to the Blue Ribbon Task Force that the InterTribal Sinkyone Wilderness Council's four bulleted principles, as outlined in its March 18 Statement to the BRTF on Tribal Use Policy, should be formally adopted as soon as possible as a basis for developing the final governing policy on Tribal uses for the MLPA Initiative. The Council's March 18 Statement is attached.

We believe the RSG's action on the above four items will help ensure protection for Tribes' and Tribal Communities' traditional cultural uses, enable fulfillment of the MLPA's marine conservation goals, and assist in moving the MLPA Initiative process forward.

Thank you for your consideration.



InterTribal Sinkyone Wilderness Council

P.O. Box 1523 Ukiah, CA 95482 Phone (707) 468-9500

InterTribal Cultural Conservation for Sinkyone Indian Lands



California Marine Life Protection Act Initiative

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Blue Ribbon Task Force

Meeting of March 18, 2010

STATEMENT OF INTERTRIBAL SINKYONE WILDERNESS COUNCIL ON TRIBAL USE POLICY

The InterTribal Sinkyone Wilderness Council takes this opportunity to comment on the Initiative's development of a Tribal Use Policy. We understand the Blue Ribbon Task Force (BRTF) intends to adopt such a policy in order to guide the Regional Stakeholder Group's evaluation of external and internal arrays. The need for such guidance arises from the regrettable fact that the Marine Life Protection Act neglected to explicitly address Tribal rights and interests. We are confident, however, that a policy can be devised that avoids interference with long-established Tribal traditional cultural subsistence uses, and at the same time stays within the legal parameters of the Act and other provisions of State and federal law.

We agree with the sum and substance of the prior BRTF discussion that a "policy of affirmation" of the rights of Indian Tribes to continue their traditional uses is most appropriate. We have revised our earlier draft policy recommendation to take into account the emerging consensus on the BRTF that Tribal uses should be protected by avoiding those areas along the North Coast where such uses have traditionally been carried out. In our view, the policy directive to the Regional Stakeholder Group should include the following:

InterTribal Sinkyone Wilderness Council is a Nonprofit Consortium of California Indian Tribes

• Cultural Conservation • Native Stewardship • Watershed Rehabilitation • Cultural Ecology Education

- Arrays developed by the Regional Stakeholder Group (RSG) should accommodate traditional cultural subsistence, ceremonial and other customary uses of marine resources carried out by the North Coast Tribes and Tribal Communities of Mendocino, Lake, Humboldt, and Del Norte Counties pursuant to aboriginal right or long-established continuous practice by either:
 - a) Delineating Marine Protected Area (MPA) boundaries that do not overlap with such cultural use areas; or
 - b) Identifying such uses as permanently permitted uses within the MPAs.
- The Regional Stakeholder Group should consult with North Coast Tribes to understand the nature and scope of Tribal uses and should further develop proposed MPAs in ways that do not interfere with such uses.
- The Regional Stakeholder Group should identify and recommend to the Blue Ribbon Task Force potential co-management approaches for effective stewardship of critical marine resource areas, consistent with State and federal law.
- The Regional Stakeholder Group's recommendations to the Blue Ribbon Task Force regarding any Tribal issues need to be provided to the Tribes for their review and input prior to the Stakeholder Group submitting such recommendations to the Blue Ribbon Task Force.

We understand the Initiative staff has sought legal advice and guidance from counsel for the Department of Fish and Game and/or the Office of the Attorney General. Our concern is that the array evaluation process now underway may advance too quickly for the legal guidance to have its maximum utility. To address this concern, we would like to suggest that until the guidance is forthcoming, the BRTF direct the RSG to draw the boundaries of MPAs to avoid those areas identified by the Tribes as traditional cultural subsistence use areas. The Tribes have repeatedly made the point that avoiding interference with their traditional cultural uses is consistent with the MLPA's goal of protecting, stewarding and conserving marine resources. This pivotal point is supported by the documented facts that, since the beginning of time, the Tribes have been responsible stewards of their aboriginal lands and waters, and that continued Tribal uses have minimal adverse impacts to marine resources. No further legal authority for a policy of avoidance is needed.

If this conclusion turns out to be wrong, and insurmountable legal obstacles to accommodating Tribal uses in this way are identified, at that time the Initiative can undertake further consultations with Tribes to develop other measures designed to maintain consistency with State and federal law. Tribal uses cannot be ignored in these early stages of MPA development; otherwise, subsequent revisions to the MPAs will be much more difficult and problematic. **If such revisions cannot be or are not made, the Initiative will have failed in its goal to respond favorably to the concerns of sovereign Indian Tribes.** Having heard from more than 25 North Coast Tribes of the paramount concern of continuing traditional uses, the Initiative should not proceed further with MPA development without first addressing such uses.

In addition to this concern with timing, the InterTribal Sinkyone Wilderness Council is also concerned about several proposals for the process by which the Tribal Use Policy may be adopted. We do not support the creation of a tribal advisory group to recommend a policy because this would defeat the goal of conducting direct and genuine consultation with individual North Coast Tribes.

Finally, we understand the BRTF has considered hiring outside counsel to give advice and recommendations for a Tribal Use Policy. Although such advice would be welcome, we do not believe it is necessary at this time. Counsel for the InterTribal Sinkyone Wilderness Council can assist the attorneys for the Department of Fish and Game and in the Office of the Attorney General in working through all the legal questions that have arisen. Together, we believe counsel for the Tribes and the Initiative can develop creative solutions to reaching the goal of the BRTF of avoiding interference with the traditional cultural subsistence uses of North Coast Tribes.

Thank you for your consideration of our views.

From: Christopher J DeLucchi
Sent: Monday, April 26, 2010 3:34 PM
To: MLPAComments
Subject: Abalone & Urchin Comment

I have lived in Mendocino for six years and have these observations. I frequently dive at Van Damme in Little River from the beach and by kayak. I have been diving for many years so appear to be able to reach greater depths while freediving than average.

Van Damme is probably one of the most accessible and heavily dove spots in Mendocino County so I expected it to be pretty picked over. To my continuing amazement, there are legal Abalone everywhere. There have not been very many decent days since opening day of Abalone season, but we were picking 8-inchers off the rocks in the surf zone on Sunday.

On my kayak, I almost always can limit out within 15 minutes and 30' of my anchor line. Late in the season you can see that legal Abalones in less than 12-15' of water becomes harder to find, but are still everywhere in the 20-35' range. You could easily crawl hand over hand from shell to shell. I will skip a nice Abalone that is surrounded by too many 8" brothers since a more accessible one is a few feet away. This is so common that I have never even looked deeper.

However, this is not true in areas that restrict sea urchin harvesting. The urchins are in such high concentration in these areas that the kelp forest is decimated. It not only affects Abalone, but all the rest of the critters that flourish in kelp beds.

In conclusion, the breath-hold/freediving restriction appears to be extremely successful at protecting the resource even in areas with very heavy freediving activity, and sadly, poaching.